

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
March 17, 2009, Session

STATE OF TENNESSEE v. JERRY GLEN NORRID

**Direct Appeal from the Circuit Court for Coffee County
Nos. 34,157; 34,158; 34,159; 34,196; 34,239; and 34,240
John W. Rollins and Charles Lee, Judges**

No. M2008-01689-CCA-R3-CD - Filed August 14, 2009

The Defendant pled guilty to burglary, burglary of a motor vehicle, vandalism, criminal simulation, three counts of theft under \$500, and two counts of theft over \$1000. In accordance with Tennessee Rule of Criminal Procedure 37, the Defendant reserved as a certified question of law whether the Interstate Compact on Detainers (“the Compact”) bars the State from prosecuting the Defendant on the charges to which he pled guilty. After a thorough review of the record and relevant authorities, we conclude the Compact does not bar prosecution of the indictments at issue, and, therefore, we affirm the trial court’s judgments.

Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Circuit Court Affirmed

ROBERT W. WEDEMEYER, J., delivered the opinion of the court, in which JERRY L. SMITH and THOMAS T. WOODALL, JJ., joined.

Kevin R. Askren, Tullahoma, Tennessee, for the Appellant, Jerry Glen Norrid.

Robert E. Cooper, Jr., Attorney General and Reporter; Michael E. Moore, Solicitor General; Mark A. Fulks, Assistant Attorney General; Charles Michael Layne, District Attorney General; Felicia B. Walkup, Assistant District Attorney General, for the Appellee, State of Tennessee.

OPINION

I. Procedural Background

According to the indictments and their supporting affidavits against the Defendant, between October 17, 2004, and February 15, 2005, the Defendant committed a series of criminal acts in Coffee County, Tennessee. First, the Defendant was found in operation of a stolen vehicle in October 2004. Several months later, on December 7, 2004, the Defendant broke into a vehicle

parked at a mall shopping center, damaging the vehicle and attempting to steal items from within the vehicle before officers intercepted him. Several weeks later, the Defendant stole a roller tool box. On New Year's Day 2005, the Defendant broke into another vehicle and stole two coats and two soft drink containers. Approximately two weeks later, the Defendant stole a vehicle that contained several pieces of hardware. Finally, on February 15, 2005, the Defendant produced counterfeit bills and used the bills to purchase food at several local drive-thru restaurants. Following his commission of each of these crimes, Coffee County officers arrested the Defendant and later released him on bond.

The Defendant failed to appear for the arraignments on any of the charges brought against him for his criminal actions. Accordingly, on June 14, 2005, the Coffee County Circuit Court ordered the forfeiture of his appearance bonds. At some point, Coffee County jail officials regained custody of the Defendant, but on July 12, 2005, the Coffee County Circuit Court released the Defendant on a one-day furlough, with orders he return on July 14, 2005. The Defendant failed to return, and on July 15, 2005, a warrant for escape was issued. Several months later, Oklahoma officials arrested the Defendant on a charge of vehicle theft. The Defendant pled guilty in August or September 2005 to the charge in Oklahoma, and he was sentenced to two years in the Lawton Correctional Facility in Oklahoma.

In October 2005, while the Defendant served his Oklahoma sentence, Oklahoma prison officials delivered to the Defendant an "Agreement on Detainers" form, which notified the Defendant of a Bedford County, Tennessee, "untried indictment[], information[], or complaint[]" against the Defendant for theft. *See* Tennessee Code Annotated § 40-31-101, Art. III, para (a) (2009). The agreement also advised the Defendant of his right under the Compact to seek a final disposition of the Tennessee theft charge and included several forms for the Defendant and the Lawton Correctional Facility warden to execute in order to request a final disposition from Tennessee and initiate the Defendant's transfer to Tennessee.

"Form II" of the agreement is addressed to the criminal district attorney of Bedford County, Tennessee, as well as to "all other prosecuting officers and courts of jurisdictions listed below from which indictments, information[s], or complaints are pending." The form then notifies the recipient that the Defendant is imprisoned at Lawton Correctional Facility and requests that "a final disposition be made of the following indictments, information[s], or complaints now pending against [the Defendant]" and lists only a theft of property charge. The Defendant executed Form II on October 25, 2005, and delivered it to Oklahoma prison officials who he understood would send the form to the appropriate Tennessee officials.

"Form III" of the agreement, entitled "CERTIFICATE OF INMATE STATUS," recites several statistics about the Defendant, including that two Tennessee detainers against the Defendant existed at that time. The form identifies only a theft of property charge in Bedford County, Tennessee, and an escape charge from Coffee County, Tennessee. "Form IV" of the agreement, entitled "OFFER TO DELIVER TEMPORARY CUSTODY" offers to transfer the Defendant to Tennessee pursuant to the Compact and authorizes the recipient to thereafter transfer the Defendant

to other Tennessee authorities for adjudication of additional charges pending against the Defendant. The form states “[i]ndictments, informations, or complaints charging the following offenses also are pending against the inmate in your state and you are hereby authorized to transfer the inmate to custody of appropriate authorities in these jurisdictions for the purposes of disposing of these indictments, informations, or complaints” and lists an escape charge in Coffee County, Tennessee. The Lawton Correctional Facility warden executed forms III and IV.

Bedford County officials received the forms executed by the Defendant and the warden and communicated their acceptance of both the Defendant’s request for a final disposition of the charges against him and the warden’s offer to transfer the Defendant. Oklahoma officials did not send Coffee County either a copy of the agreement sent to Bedford County or an independent request for the final disposition of the escape detainer and additional indictments pending against the Defendant in Coffee County. The Defendant was transferred to Bedford County on November 28, 2005. On November 30, 2005, officers transferred the Defendant to Coffee County, and the Defendant understood he was being transferred in order to be tried for his pending Coffee County indictments. Once the Defendant arrived, however, officers served him with a warrant based on his escape charge, told him the court had postponed his trial date, and returned him to Bedford County.

After being jailed in Bedford County for approximately two months, the Defendant pled guilty to a theft-related charge¹ and received an eight-year sentence in the Tennessee Department of Correction (“TDOC”). Without further action on the Coffee County indictments pending against the Defendant, Tennessee officials returned the Defendant to Oklahoma, where the Defendant served the remainder of his two-year Oklahoma sentence. At the conclusion of his Oklahoma sentence, the Defendant was returned to Bedford County to serve his eight-year sentence. In February 2007, while the Defendant served his Bedford County sentence, the Coffee County Circuit Court appointed the Defendant counsel and set the Defendant’s trial on his pending Coffee County indictments for April 2007. The Defendant moved to dismiss the Coffee County indictments, and a hearing on the motion to dismiss was held on May 25, 2007, before Judge John W. Rollins.

At the hearing on his motion to dismiss, counsel for the Defendant contended the Compact barred the State from prosecuting the Defendant on the Coffee County indictments, arguing that the Defendant’s request for a final disposition of his Bedford County detainer triggered the 180-day period in which the Coffee County indictments could be tried and that the Defendant’s return to Oklahoma barred further prosecution of the Coffee County indictments. The State countered that the Compact’s protections from the Coffee County indictments were never triggered because the Defendant failed to directly request from Coffee County a final disposition of his Coffee County indictments. Judge Rollins took the motion to dismiss under advisement, but he subsequently became ill, and Special Judge Charles Lee was appointed to preside over the Defendant’s case.

On March 20, 2008, Judge Lee filed a written order denying the Defendant’s motion to dismiss the Coffee County indictments. The court held that the Defendant’s request to Bedford

¹ It is unclear from the record exactly what charge the Defendant pled guilty to in Bedford County.

County for a final disposition of his Bedford County theft detainer was sufficient to trigger the Compact's protections against the Coffee County escape detainer. The judge explained, however, that the request was not sufficient to trigger the Compact's protections against the Defendant's remaining indictments in Coffee County, because the request mentioned only the escape detainer, omitting any mention of his additional pending Coffee County indictments. As a result, explained the court, Coffee County forfeited its ability to prosecute the escape charge when it failed to dispose of the escape charge before the Defendant was returned to Oklahoma during his fall 2005 temporary stay in Tennessee. Accordingly, the court dismissed with prejudice the indictment against the Defendant for escape but allowed the remaining Coffee County indictments to proceed to trial.

In April 2008, the Petitioner pled guilty to burglary, burglary of a motor vehicle, vandalism, criminal simulation, three counts of theft under \$500, and two counts of theft over \$1000. The Defendant reserved as a certified question of law the applicability of the Compact to the Coffee County indictments underlying his convictions. The trial court ordered the Defendant to serve an effective sentence of fourteen years in the TDOC, consecutive to his Bedford County sentence. The Defendant now appeals the denial of his motion to dismiss the Coffee County indictments.

II. Analysis

A. Certified Question of Law

Because this appeal comes before us as a certified question of law, pursuant to Rule 37(b) of the Tennessee Rules of Criminal Procedure, we must first determine whether the requirements of Rule 37 have been met and whether the question presented is dispositive. Tennessee Rule of Criminal Procedure 37(b) provides as follows:

An appeal lies from any order or judgment in a criminal proceeding where the law provides for such appeal, and from any judgment of conviction . . . upon a plea of guilty . . . [if] . . . [t]he defendant entered into a plea agreement under Rule 11(e) but explicitly reserved with the consent of the state and of the court the right to appeal a certified question of law that is dispositive of the case and the following requirements are met:

- (A) The judgment of conviction, or other document to which such judgment refers that is filed before the notice of appeal, must contain a statement of the certified question of law reserved by the defendant for appellate review;
- (B) The question of law must be stated in the judgment or document so as to identify clearly the scope and limits of the legal issue reserved;
- (C) The judgment or document must reflect that the certified question was expressly reserved with the consent of the state and the trial judge; and
- (D) The judgment or document must reflect that the defendant, the state, and the trial judge are of the opinion that the certified question is dispositive of the case

State v. Preston, 759 S.W.2d 647, 650 (Tenn. 1988) (quoting Tenn. R. Crim. P. 37(b)(2)).

The record shows that these requirements have been met. The Defendant's judgments of conviction state that the Defendant entered his pleas subject to a certified question of law, which is set forth in an agreed order incorporated by the judgments:

The Defendant entered a conditional guilty plea explicitly reserving the right to appeal a certified question of law with the consent of the district attorney general and the court and that it is dispositive of the case and is incorporated by reference in the attached "agreed order reserving a certified question of law."

The agreed order attached to the judgments describes the procedural background of the Defendant's case and sets forth the Defendant's reserved question:

The issues certified are those presented in the motion to dismiss filed by the defendant, and amended and joined by this counsel in an amended motion to dismiss, specifically:

That the defendant was incarcerated in the State of Oklahoma and that the defendant was informed that detainers had been lodged against him by two different Tennessee counties. Coffee County placed a hold on the defendant for a single charge of escape and Bedford County placed a hold on the defendant for a charge of theft. The defendant duly executed the forms pursuant to the Compact and delivered them to the appropriate authorities in the State of Oklahoma.

Oklahoma notified the State of Tennessee of the defendant's request. After receiving the notification from Oklahoma, the District Attorney's Office in Bedford County caused the defendant to be transported to Bedford County. While awaiting disposition of his charges in Bedford County, the defendant was transported to Coffee County where the escape warrant was served on him. He was then returned to Bedford County and entered pleas to the Bedford County theft charge. Before any action was taken on the Coffee County case, the defendant was returned to the state of Oklahoma in violation of the provisions of the Compact. In addition, more than 180 days have passed since the defendant filed his request with Oklahoma authorities, also in violation of the provisions of the Compact. The Court did find that the Compact had been properly triggered and dismissed the charge of escape which had been the basis of the detainer lodged out of Coffee County.

. . . . On March 2, 2007[,] the defendant filed a motion to dismiss the indictment, this motion was overruled by this Court on March 20, 2008. The certified question concerns the interpretation of T.C.A. § 40-31-101 and "whether the Compact, once triggered, applies to all indictments pending against the defendant in the receiving state or only those specifically listed in the detainers."

The judgment and the attached agreed order clearly identify the certified question in both scope and limits of the legal issue reserved and verify that the judge and the State both expressly consented to the reservation of the certified question. Also, the statement indicates that the judge, the State, and the Defendant were of the opinion that the certified question was dispositive in the Defendant's case, and we agree. In this case, if the Compact barred the State from prosecuting the Defendant based on the Coffee County indictments, then dismissal of those indictments is necessary. As such, this issue is dispositive on appeal, and we will address it.

B. Motion to Dismiss

The Defendant contends his request for a final disposition of the Bedford County escape detainer initiated the 180-day limitation period in which Coffee County could lawfully prosecute its untried indictments against the Defendant. Therefore, the Defendant continues, Tennessee's return of the Defendant to Oklahoma without disposition of the Coffee County indictments cut short the Compact's 180-period and permanently barred the State from prosecuting the indictments. The State responds that, because the Compact facilitates only the disposition of charges listed in a detainer or transactionally related to charges listed within a detainer, the Defendant's request for a final disposition of the Bedford County detainer initiated only the period in which the State could prosecute the Coffee County escape charge listed in the Coffee County escape detainer. As a result, Tennessee's return of the Defendant to Oklahoma did not affect the State's ability to prosecute the remaining Coffee County indictments, which were not transactionally related to the Defendant's escape charge.

The Interstate Compact on Detainers is a uniform agreement, adopted by forty-eight states, which facilitates the interstate transfer of a prisoner for the purpose of disposing of the prisoner's pending out-of-state criminal charges, which may preclude the prisoner from early release consideration or alternatives to confinement. *See* T.C.A. § 40-31-101, *et seq.* (2006); *Nelms v. State*, 532 S.W.2d 923, 927 (Tenn. 1976). The stated purpose of the Compact is "to encourage the expeditious and orderly disposition of [outstanding] charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints." T.C.A. § 40-31-101, art. I. While the Compact contains no definition of the word "detainer," according to the United States Supreme Court, "[a] detainer [within the meaning of the Compact] is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent." *Carchman v. Nash*, 473 U.S. 716, 719 (1985).

Describing the interaction of the "sending" state in which the defendant is incarcerated and the "receiving" state that has lodged a detainer against the defendant, the Compact provides a process whereby the prisoner may demand the receiving state dispose of charges relating to its detainers against the Defendant. T.C.A. § 40-31-101, art. III(a)-(f). This demand, if carried out according to the procedure set out in the Compact, obliges the receiving state to try the defendant within 180 days or else forfeit prosecution of not only the charges underlying the detainer but also any other charge arising from the same criminal transaction. T.C.A. § 40-31-101, art. III(a); art. V(d). Further, once

the prisoner has been temporarily transferred under the Compact to the receiving state, return of the prisoner to the sending state permanently bars the receiving state from prosecuting those charges, regardless of whether 180 days have passed. T.C.A. § 40-31-101, art. III(d). We reproduce the Compact, in relevant part, below:

ARTICLE III

(a) Whenever a person has entered a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, the person shall be brought to trial within [180] days after having caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of the person's imprisonment and request for a final disposition to be made of the indictment, information or complaint The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good and honor time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

. . . .

(d) Any request for final disposition made by a prisoner pursuant to paragraph(a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. . . . If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

. . . .

ARTICLE V

. . . .

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one (1) or more untried indictments, informations or complaint which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction.

T.C.A. § 40-31-101, art. I (a), (d); art. V(d).

To determine whether the trial court erred when it dismissed the Defendant's Coffee County escape charge but allowed his remaining Coffee County charges to be prosecuted, we must analyze: (1) whether the Defendant's request for a final disposition of the Bedford County detainer triggered the period in which Coffee County could lawfully prosecute the Defendant based on its detainer; and (2) whether this period, once triggered, restricted not only the time during which Coffee County could try the Defendant for the detainer charge but also the time during which it could try the Defendant for charges not transactionally related to the detainer charge.

1. Effect of the Defendant's Request under the Compact to Bedford County

On appeal, the State concedes that the Defendant's request to Bedford County for a final disposition of his Bedford County detainer also initiated the period in which Coffee County could dispose of its detainer against the Defendant. Nonetheless, in order to clarify what a prisoner who has detainers pending in multiple out-of-state counties must do to gain the Compact's protection on each detainer, we now explain the effect of the Defendant's request to Bedford County.

According to Article III(d) of the Compact,

[a]ny request for final disposition made by a prisoner pursuant to paragraph (a) shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed.

T.C.A. § 40-31-101, art III(d). In our view, the plain meaning of this provision is that a prisoner's properly executed request to one county for disposition of its detainer is effective as to every other detainer pending against the prisoner in that state.

We acknowledge that in the case of *State v. Locke* this Court applied the Compact in a manner suggesting a petitioner's specific request to each county holding a detainer is necessary to trigger the Compact as to each county's detainer. 839 S.W.2d 436 (Tenn. Crim. App. 1992). In that case, two Tennessee counties had lodged separate detainers against an out-of-state prisoner. *Id.* at 438-39. The prisoner properly executed a request to each county under the Compact. In our view, one of these requests was unnecessary because, as discussed above, a single request for disposition of one detainer pending in a state is sufficient to trigger the Compact's protections from each of that

state's detainers. *See* T.C.A. § 40-31-101, art. III(d). In *Locke*, this Court was tasked with determining whether the State disposed of each of its detainers within the time authorized under the Compact. The prisoner Locke having made two requests, this Court recognized two distinct protection periods, beginning on the dates each respective county received its request from the defendant.

In this case, because the Defendant alleges the State failed to dispose of his Coffee County detainer before returning him to Oklahoma, the duration of the Defendant's Coffee County protection period is not at issue as it was in *Locke*. The only issue is whether the Compact's protection period with respect to the Coffee County detainer had begun by the time the Defendant was temporarily transferred to Tennessee. *See* T.C.A. § 40-31-101, art. III(d). It being unnecessary, therefore, to assign a date to the start of the protection period, we confine our analysis to whether the Coffee County detainer protection period was in effect when the Defendant arrived in Tennessee.

In the case under submission, Bedford County officials received from the Lawton Correctional Facility warden a copy of the Defendant's request for a final disposition the Bedford County detainer against him, accompanied by a statement of the Defendant's prisoner status. Coffee County officials did not receive a similar request as to its detainer against the Defendant. The Defendant's request to Bedford County satisfied the notice requirements of article III(a) of prisoner-initiated Compact requests. *See* T.C.A. § 40-31-101, art. III(a). Although Coffee County officials did not receive a request under the Compact as to its detainer against the Defendant, a properly executed request under the Compact for final disposition of one out-of-state detainer is sufficient to initiate the Compact's protection period as to every detainer from that state. *See* T.C.A. § 40-31-101, art. III(d). Bedford County officials' receipt of the copy of the Defendant's request, therefore, was effective to trigger the Compact's protections as to the Defendant's Coffee County escape detainer. *See* T.C.A. § 40-31-101, art. III(d). As a result, the State became obliged, in the event of the Defendant's temporary transfer to Tennessee for the purpose of disposing of his Tennessee detainers, to dispose of his Coffee County detainer before the Defendant's return to Oklahoma or else forfeit its ability to prosecute charges underlying the Coffee County detainer.

2. Scope of the Compact's Protection

The Defendant contends his request for final disposition of his Bedford County detainer triggered the Compact's protections against all of his pending indictments in Coffee County. In support of this contention, the Defendant asserts that the Compact is a broad instrument that provides a process through which a prisoner may obtain final disposition of any and all untried indictments in the receiving state, be they related or completely apart from the conduct underlying the detainer. He cites both the language of article V(d) of the Compact and this Court's decision in *State v. Griffin* in support of his contention. *See State v. Steven Craig Griffin*, No. 01C01-9404-CR-00144, 1995 WL 387277, *4 (Tenn. Crim. App., at Nashville, June 28, 1995), *perm. app. denied* (Tenn. Nov. 6, 1995).

Contrary to the Defendant's assertions on appeal, the Compact does not apply to all indictments pending in a state. The language of article V(d) of the Compact plainly restricts application of the Compact to the charges underlying a detainer and charges transactionally related thereto:

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one (1) or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction.

T.C.A. § 40-31-101, art. V(d). Accordingly, "the request to be tried while in the temporary custody of the receiving state is limited to the offenses contained in the detainer and any other offense arising out of that transaction." *State v. Gary Wayne Thompson*, No. 01-C-01-9003CC00083, 1991 WL 1348, *2 (Tenn. Crim. App., at Nashville, Jan. 11, 1991), *no Tenn. R. App. P. 11 application filed*.

The Defendant argues that this Court's opinion in *State v. Griffin* brought all of a state's indictments against a defendant into the Compact's protection. The Defendant misconceives this Court's meaning in *Griffin*. In *Griffin*, the State had originally indicted the defendant for several counts of rape and assault. Based on the same conduct, but after the Defendant had been transferred to Tennessee under the Compact, the State filed a superseding indictment charging several additional counts of rape. *Id.* at *2. The defendant moved to dismiss the additional charges, arguing that the Compact did not apply to charges for which formal prosecution had not begun. *Id.* at *3.

The *Griffin* panel, early in its opinion, stated its full understanding of the Compact's scope:

Article V(d) states that while a prisoner is in the temporary custody of the receiving state, he may be prosecuted for

1. any *untried indictment, information, or complaint* which form the basis of any detainer which has been filed, or
2. any *other charge or charges* arising out of the same criminal transaction.

Id. at *3 (emphasis original). The *Griffin* panel, therefore, initially accurately described the limited categories of charges which may be disposed of under the Compact. *See* T.C.A. 40-31-101, art. V(d). The panel then concluded that a prisoner transferred under the Compact may be tried on any indictment related to the conduct underlying a detainer, regardless of whether the charge was brought before or after the prisoner's transfer:

[Article V(d)'s language] referring to "other charges" must refer to *additional* charges arising from the same transaction which may legitimately be brought by virtue of a superseding indictment.

. . . .

A prisoner who requests final disposition under Article III is on notice that he or she may be held accountable for any other charges pending within the receiving state. The request for final resolution is not limited to the counts in the detainer on which the request is based. Once returned to the sending state, the prosecution of any existing untried charges against the prisoner is forever barred.

A receiving state may fully prosecute one returned to its jurisdiction under the Compact.

Id. at *4 (emphasis original). The Defendant bases his argument on what the Court next said. In the course of explaining its conclusion, the *Griffin* panel stated that

a petitioner returned to Tennessee for final resolution of charges that form the basis of a detainer must be tried on any other indictment, information, or complaint within this state before being returned to the sending state. *Any* existing indictments, informations, or complaints that are not resolved within that time are a nullity.

Id. at *4 (emphasis original). Admittedly, the bare language, standing alone and out of context, does support the Defendant's assertion. The panel used this language, however, only to express its more narrow conclusion that the Compact applied to post-transfer charges. *Id.* The panel declared through dicta that the Compact applied to "*any* existing indictments" only in the course of acknowledging the Compact's accommodation for additional charges based upon the original criminal transaction. *Id.* *Griffin*, therefore, does not compel the State to try an indictment for which it has not lodged a detainer. *Id.*

As discussed above, article V(d) of the Compact provides only for the disposition of charges transactionally related to a criminal transaction upon which a state has lodged a detainer. *See* T.C.A. § 40-31-101, art. V(d). In this case, Bedford County lodged a detainer against the Defendant for theft, and Coffee County lodged a separate detainer based upon the Defendant's escape when he failed to return from furlough in June 2005. Also pending against the Defendant in Coffee County were several theft, vandalism, criminal simulation, and burglary indictments based on the Defendant's conduct between October 2004 and February 2005.

While serving a sentence in Oklahoma, the Defendant properly executed and delivered a request for a final disposition of his Bedford County detainer to Bedford County officials. As discussed above, this request triggered the Compact's protection as to the Defendant's Coffee County detainer for escape, as well. *See* T.C.A. 40-31-101, art. III(d). As a result, when the Defendant was transferred to Tennessee under the Compact, the State became obliged to try the Defendant before his return to Oklahoma for his Coffee County escape detainer and any other charges transactionally related thereto. *See* T.C.A. § 40-31-101, art. V(d); *Griffin*, 1995 WL 387277, at *3; *Thompson*, 1991 WL 1348, at *2. Three months lapsed between the Defendant's string of

theft-related crimes and his escape from Coffee County authorities. The indictments brought as a result of his earlier string of crimes cannot, therefore, be said to have arisen from the same criminal transaction as that from which his escape warrant arose. *See* T.C.A. 40-31-101, art. V(d); *Thompson*, 1991 WL 1348, at *2. As a result, only the escape detainer and its supporting warrant were within the scope of the Compact. *See* T.C.A. 40-31-101, art. V(d). The State forfeited only its ability to prosecute the Coffee County escape charge when it returned the Defendant to Oklahoma without disposing of any of his Coffee County charges. *See* T.C.A. 40-31-101, art. III(d); art. V(d). The Defendant's return did not bar prosecution of Coffee County's remaining indictments, which were not the subject of a detainer. *See* T.C.A. 40-31-101, art. V(d).

In summary, when the Defendant requested a final disposition of his Bedford County detainer and, in effect, his Coffee County escape detainer, he did not gain the Compact's protections as to his remaining Coffee County indictments at issue. *See* T.C.A. § 40-31-101, art. III(d), V(d). As a result, the State was not obliged to try the Defendant for those charges before he was returned to Oklahoma. As such, the trial court did not err when it dismissed the Defendant's Coffee County escape charge but denied the Defendant's motion to dismiss his remaining Coffee County indictments.

III. Conclusion

After a thorough review of the record and relevant authorities, we conclude the Compact did not bar the State from prosecuting the indictments underlying the Defendant's convictions. Accordingly, we affirm the judgments of the trial court.

ROBERT WEDEMEYER, JUDGE